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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,968	06/14/2005	Mensur Velicanin	BM-173PCT	7510
40570	7590	03/10/2009		
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER FULTON, KRISTINA ROSE	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 03/10/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/538,968

**Applicant(s)**

VELICANIN, MENSUR

**Examiner**

KRISTINA R. FULTON

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

This office action is in response to the amendment filed 12/9/08. Claims 1-3 stand rejected as set forth below.

***Drawings***

The drawing objections of the previous office action are overcome by the amendments submitted 12/9/08.

***Claim Rejections - 35 USC § 112***

The U.S.C. 112 rejections made in the previous office action are overcome by the amendments submitted 12/9/08.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

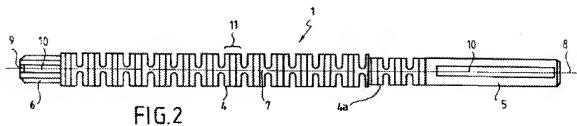
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Rovira (FR 2833662) submitted by applicant.
3. Regarding claim 1, Rovira shows an actuating device for a lock in a door or hatch of a motor vehicle, with a lock cylinder (part of 3), which has a lock (part of 2) located a certain axial distance away and a shaft (1) extending between it and the lock; which shaft transmits a torque to the lock when the lock cylinder is rotated; where the shaft is flexible (figure 1) in its axial direction to compensate for a radial offset between the axis

of the lock cylinder and the lock, the one-piece shaft is made of flexible material and has a family of notches (12) extending transversely to the axis of the shaft; which notches are recessed in pairs into the shaft from diametrically opposing sides in that when the shaft is stretched out straight, the two flanks (18, 19) of the notches are essentially parallel to each other and extend radially with respect to the axis of the shaft; the notch pairs leave a web (15) in the shaft between their flanks; which web is located on the axis of the shaft and extends essentially across the entire diameter of the shaft wherein the webs produce flex points, at which, when bending load is exerted on the shaft, the two flanks of the notch pairs can swing toward or away from each other; wherein intermediate axial pieces, extending in the axial direction of the shaft and with the full cross section of the shaft, remain between successive pairs of diametrically opposing notches; and wherein a driver (6) for actuating the lock is formed integrally on the shaft. (Please note that the prior art teaches all of the claimed structural limitations and therefor inherently performs the claimed functional language.)

4. Regarding claim 2, the driver has the form of a paddle (the sides are chamfered like a paddle).

5. Regarding claim 3, Rovira inherently teaches a connection as the shaft is for use "in connection" (via end 5 or 6) wherein an overload element (portion 4a) is integrated into the shaft. See the Rovira device below.



### ***Response to Arguments***

1. Applicant's arguments filed 12/9/08 solely state that Rovira, FR2833662, is not prior art due to applicant's foreign priority claim of December 19, 2002. The examiner would like to point out that Rovira is in fact considered prior art as an intervening reference with a publication date of June 20, 2003. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15. Applicant should have provided an English translation of the foreign priority documents to overcome the intervening reference. The examiner will not enter a translation after final as the translation will require new consideration for U.S.C 112 compliance.

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA R. FULTON whose telephone number is (571)272-7376. The examiner can normally be reached on M-TH 7-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/  
Supervisory Patent Examiner,  
Art Unit 3673

/K. R. F./  
Examiner, Art Unit 3673  
3/4/09

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